

Approved 1/13/09

**TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
November 5, 2008**

Board Present: Chairman Dan Remian, David Cobey, Bob Ellis, Evelyn Kalloch, Frank Muddle, CEO Scott Bickford and Recording Secretary Crystal Robinson

Absent: None

1.Call to Order: Chairman Remian called the meeting to order at 6:30 P.M. A roll call was taken and a quorum declared.

2. Approve the Minutes of 10/1/08:

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, to accept the minutes of the 10/1/08 meeting as written.
Carried 5-0-0

3. Open Discussion of the Shoreland Zone Table of Land Uses and Zoning Districts: Chairman Remian said he had hoped more fishermen would attend this meeting but since he did not personally invite them, another meeting with them would have to be held. Mr. Muddle confirmed that meeting could be a work session and Mr. Remian said he would send out a mailing. Mr. Muddle asked if this issue should be discussed with all who fished from their property or only those with dual use zoning. The chairman responded that dual use had caused the problem but this was open districting and the entire town should be aware of it. There was discussion of which residents should be notified about the information session and how.

Mr. Cobey said the target was to get the comments of interested parties so a March hearing could be held; this would allow for any changes to be made and another hearing to be held in April. A vote would be held in June. Mr. Remian said he wanted to set up a series of workshops to deal with all the ramifications of the Shoreland Zone changes. CEO Bickford pointed out that DEP approval followed town approval and suggested the town check with DEP to see it was headed in the right direction before spending money on mailings. Mr. Cobey objected, saying asking for DEP's input now might open a can of worms. He said it would be better to present DEP with the town's approved ordinance for its review. Mr. Ellis stated that the direction the town was taking was in keeping with the spirit of the governing legislation.

Mr. Remian explained to visitor David Workel that the Board wanted to set up a district that encompassed fishing as a home business and last year had thought a dual use zone would work. However, this would have required a town meeting every time a lot line changed. The chairman asked how the Board wanted to proceed. Mr. Ellis suggested starting with a list of dual use lot owners, which could be shown to Danny Staples and others to see if any names had been omitted. Mr. Remian said he would put the list together tomorrow.

Mr. Remian said the CEO had suggested adding to the seasonal conversion section the fact that an LPI was required. Mr. Cobey asked if the Ordinance Committee had been supplied with the chart and information regarding the home fishing business. The chairman asked Erik Anderson if the Ordinance Committee had discussed the issue. Mr. Anderson said it had not been reviewed, but he had two items he wanted to bring up. The first was uncertainty on the timeline for voting, which the committee hoped would take place in early June. Board members said the voting date was dependent on the School Board receiving information so it could set its schedule. Mrs. Kalloch noted that July 1, 2009, was the deadline for DEP receiving the town's document. Mr. Cobey felt June 10 would be the earliest date for a vote, due to the school consolidation.

Mr. Anderson then asked the implications of the property valuation changes. Mr. Cobey said the town assessor would say that was not a function of the zoning district. Mr. Remian stated that assessments were

based on frontage, neighborhoods and water depth. Mr. Bickford said that though Cushing did not consider best use, the state did. Mr. Cobey said the Assessors' Agent had stated at a recent meeting that assessment was blind to zones. Mr. Anderson said he understood that a separate district for assessing might be allowed in order to foster the way of life inherent in a home fishing business. Mr. Remian said the state did not allow this and there was discussion of "working waterfront" designation.

The Board agreed upon 6:30 P.M. on Thursday, November 20, for a workshop with the fishermen. Mrs. Kalloch said she would post this locally and by email, specifically mentioning that it concerned the proposed new fishing home business district. The Board also discussed scheduling workshops to discuss the Shoreland Zone application form and checklist and agreed to wait until the first of next year. Workshops were scheduled for January 8 and 22 at 7:00 A.M. Mr. Muddle said he would post the dates.

Mr. Remian mentioned an MMA PB workshop in Augusta on November 13 as well as a flood plain course in Orono on the same date. The CEO said the PB would have to issue permits as well as determine elevations and values in the flood plain. Mr. Ellis said the Board could designate that the CEO perform these functions. Mr. Remian said schedules could be downloaded from the State Planning Office.

4. Adjournment:

ACTION: Mr. Ellis made a motion, seconded by Mrs. Kalloch, to adjourn at approximately 7:18 P.M.
Carried 5-0-0

Respectfully submitted,

Deborah E. Sealey
Composing Secretary